




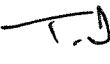
# City of Loma Linda Official Report

Floyd Petersen, Mayor  
Stan Brauer, Mayor pro tempore  
Robert Christman, Councilmember  
Robert Ziprick, Councilmember  
Charles Umeda, Councilmember

COUNCIL AGENDA: April 18, 2006

TO: City Council

VIA: Dennis R. Halloway, City Manager 

FROM: T. Jarb Thaipejr, Public Works Director/City Engineer 

SUBJECT: STREET LIGHT BENEFIT ASSESSMENT DISTRICT NO. 1 –  
FISCAL YEAR 06-07 ANNUAL REPORT

## **RECOMMENDATION**

It is recommended that the City Council approve:

1. Council Bill #R-2006-20 – Appointing an engineer and ordering preparation of the Engineer's Report;
2. Council Bill #R-2006-21 – Preliminarily approving the Engineer's Report; and
3. Council Bill #R-2006-22 – Setting the public hearing for June 13, 2006.

## **BACKGROUND**

The City of Loma Linda annually levies and collects special assessments in order to provide and maintain the improvements within the Loma Linda Street Light Benefit Assessment District No. 1. The District has been formed and annual assessments are established pursuant to the *Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code* and Article XIID of the California Constitution.

## **ANALYSIS**

MuniFinancial, the Assessment Engineer, has submitted the Annual Report. The total anticipated assessment for FY 06-07 will be \$ 327,659, and the expenditure is estimated to be \$488,600.

## **FINANCIAL IMPACT**

Account No. 72-5100-1820

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, INITIATING PROCEEDINGS AND ORDERING THE PREPARATION OF AN ENGINEER'S REPORT FOR STREET LIGHT BENEFIT ASSESSMENT DISTRICT NO. 1 FOR FISCAL YEAR 2006/2007

The City Council of the City of Loma Linda (the "City"), pursuant to the provisions of the Landscaping and Lighting Act of 1972, being division 15 of the Streets and Highways Code of the State of California (the "Act"), desires to initiate proceedings for Loma Linda Street Light Benefit Assessment District No. 1 (the "District") and for the levy and collection of assessments within the proposed District for the fiscal year 2006/2007, for the purposes provided therefore in the Act; and

The public interest and convenience require the City to initiate proceedings for the levy of assessments within the District for the fiscal year 2006/2007, for the purposes provided thereof in the Act; and

Section 22622 of the Act requires the City to adopt a resolution generally describing any proposed new improvements or any substantial changes in the existing improvements and ordering the Engineer to prepare and file a report in accordance with Article 4 of the Act.

WHEREAS, by adoption of Resolution No. 785, the City Council of the City of Loma Linda determined that the public interest, convenience and necessity required the installation, construction, and operation of street lighting and appurtenant facilities set forth in Section 22525 of the Streets and Highways Code, State of California, and the maintenance thereof within the incorporated boundaries of the City of Loma Linda as shown on the attached map; and

WHEREAS, MuniFinancial, 27368 Via Industria, Suite 110, Temecula California, 92590, was appointed "Engineer of Work" with all provisions of Division 15 applicable to the Engineer applied to said "Engineer of Work"; and

WHEREAS, Section 22622 of the Streets and Highways Code, State of California, requires that an Engineer's Report be prepared and filed annually, outlining the assessments to be levied against the properties within the assessment district; and

WHEREAS, Proposition 218, right to Vote on Taxes Act, was approved by the voters on November 5, 1996, added Articles XIII C and XIII D to the California Constitution which requires among other things, that beginning July 1, 1997, all existing assessments must be approved by at least 50 percent of the ballots cast by record owners subject to the assessment; and

WHEREAS, Proposition 218 exempts assessments which are used to operate and maintain streets, provided the assessments are not increased; and

WHEREAS, street lights and traffic signals are installed, maintained and operated for street purposes; and

WHEREAS, the street light assessments for fiscal year 2006/2007 are not increased over those imposed for fiscal year 2005/2006; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loma Linda that:

1. The Engineer of Work is ordered to prepare the report for fiscal year 2006/2007 in accordance with Article 4, Division 15, of the Streets and Highways code, "The Landscaping and Lighting Act of 1972" of the State of California.

2. The assessments for fiscal year 2006/2007 are exempt from Proposition 218, based on the provision of Proposition 218.

APPROVED, ADOPTED AND SIGNED this 18th day of April 2006 by the following vote:

Ayes:  
Noes:  
Abstain:  
Absent:

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Floyd Petersen, Mayor

ATTEST:

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Pamela Byrnes-O'Camb, City Clerk

## RESOLUTION NO.

## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, PRELIMINARILY APPROVING ENGINEER'S REPORT FOR FISCAL YEAR 2006/2007 FOR STREET LIGHT BENEFIT ASSESSMENT DISTRICT NO. 1

The City Council of the City of Loma Linda (the "City"), pursuant to the provisions of the Landscaping and Lighting Act of 1972, being division 15 of the Streets and Highways Code of the State of California (the "Act"), has ordered the preparation of an Engineer's Report and has filed said Report titled "Loma Linda Street Light Benefit Assessment District No. 1" (the "District") and has initiated proceedings for the levy and collection of assessments within the proposed District for the fiscal year 2006/2007, for the purposes provided therefore in the Act; and

WHEREAS, on the 18<sup>th</sup> day of April 2006, said City Council did adopt its Resolution No. \_\_\_\_ directing the Engineer of Work to make and file with the City Clerk of said City a report in writing as required by the Landscaping and Lighting Act of 1972 for fiscal year 2006/2007; and

WHEREAS, said Engineer of Work has made and filed with the City Clerk of said City a report in writing as called for in said Resolution and under and pursuant to said Act, which report has been presented to this Council for consideration; and

WHEREAS, said Council has duly considered said report and each and every part thereof, and finds that each and every part of said report is sufficient, and that said report, nor any part thereof, requires or should be modified in any respect; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loma Linda that:

1. The Engineer's Estimate of the itemized costs and expenses of said work and of the incidental expenses in connection therewith, contained in said report be, and each of them is hereby preliminarily approved.
2. The diagrams showing the Assessment District referred to and described in said report, the boundaries of the subdivision of land within said Assessment District as the same existed at the time of passage of said Resolution, is hereby preliminarily approved.
3. The proposed assessment upon the subdivision of land in said Assessment District is in proportion to the estimated benefit to be received by said subdivisions, respectively, from said work and of the incidental expenses thereof, as contained in said report is hereby preliminarily approved.
4. Said report shall stand as the Engineer's Report for the purposes of all subsequent proceedings, and pursuant to the proposed district.

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PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of April 2006 by the following  
vote:

Ayes:

Noes:

Abstain:

Absent:

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Floyd Petersen, Mayor

ATTEST:

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Pamela Byrnes-O'Camb, City Clerk

## RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, COUNTY OF SAN BERNARDINO, CALIFORNIA DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2006/2007 IN STREET LIGHT BENEFIT ASSESSMENT DISTRICT NO. 1, AN ASSESSMENT DISTRICT; DECLARING THE WORK TO BE OF MORE SPECIAL THAN GENERAL PUBLIC BENEFIT; SPECIFYING THE EXTERIOR BOUNDARIES OF THE AREAS WITHIN STREET LIGHT BENEFIT ASSESSMENT DISTRICT NO. 1 AND TO BE ASSESSED THE COST AND EXPENSE THEREOF; DESIGNATING SAID DISTRICT AS STREET LIGHT BENEFIT ASSESSMENT DISTRICT NO. 1, DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

The City Council of the City of Loma Linda (the "City"), pursuant to the provisions of The Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California, declares it's intention and does resolve as follows:

WHEREAS, That the public interest and convenience requires and it is the intention of the City Council of the City of Loma Linda, California, to order the following work be done:

1. Maintenance, operation and servicing of street lighting and traffic signals as authorized by Section 22525 of the Streets and Highways Code.
2. Any and all work and materials appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof; and

WHEREAS, The foregoing described work is to be located within roadway right-of-way and public utility easements within the incorporated boundaries of the City of Loma Linda more particularly described on a map which is on file in the City Clerk's Office entitled "Assessment Diagram Street Light Benefit Assessment District No. 1"; and

WHEREAS, That the contemplated work, in the opinion of said City Council, is of more special than general public benefit, and the said City Council hereby makes the expense of the said work chargeable upon a district, which said district is described as follows: All that certain territory of the City of Loma Linda included within the exterior boundary line shown upon that certain map entitled "Assessment Diagram Street Light Benefit Assessment District No. 1," indicating by said boundary line the extent of the territory included within the proposed assessment district and which map is on file in the Office of the City Clerk of said City; and

WHEREAS, Reference is hereby made to said map for further, full and more particular description of said assessment district, and the said map so on file shall govern for all details as to the extent of said assessment district; and

WHEREAS, The City Council of said City by Resolution No. \_\_\_\_ has preliminarily approved the report of the Engineer of Work, which said report indicates the amount of the proposed assessment, the district boundary, detailed description of improvements, and the method of assessment. The report titled "Engineer's Report For Street Light Benefit Assessment District No. 1 fiscal year 2006/2007" is on file in the Office of the City Clerk of said City, and was prepared for fiscal year 2006/2007 in accordance with the Landscaping and Lighting Act of 1972. Reference to said report is hereby made for all particulars for the amount and extent of the assessments and for the extent of the work; and

WHEREAS, The assessment shall be collected at the time and in the same manner as County taxes are collected. The Engineer of Work shall file a report annually with the City

Resolution No.

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Council of said City and said Council will annually conduct a hearing upon said report, at which time assessments for the next fiscal year will be determined; and

WHEREAS, All the work herein proposed shall be done and carried through in pursuance of an act of the legislature of the State of California designated the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California; and

WHEREAS, That by reference to Section 22595 of said Streets and Highways Code all railroad, gas, water or electric utility or electric line right-of-way included within said Street Lighting District No. 1 which will receive benefit will be assessed for said benefit; and

WHEREAS, All lots or parcels belonging to public agencies shall be omitted from assessments to be made hereafter to cover the costs and expenses of the work; and

WHEREAS, Although Section 4 of Article XIIC, of the California Constitution has a procedure of assessing parcels owned or used by any public agency, the State of California or the United States, Section 5(a) of said Article XIIC exempts any assessment to finance maintenance and operating expenses for streets, or street lights as an integral part of a street, therefore, the assessment of public parcels is exempt; and

WHEREAS, Published notice shall be made pursuant to Section 6061 of the Government Code. The publication of notice of hearing shall be completed at least 10 days prior to the date of hearing; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Loma Linda that:

1. Notice is hereby given that on the 13<sup>th</sup> day of June 2006 at the hour of 7:00 p.m., or as soon thereafter as possible, in the City Council Chamber at 25541 Barton Road, in the City of Loma Linda, any and all persons having any objections to the work or extent of the assessment district, may appear and show cause why said work should not be done or carried out in accordance with this Resolution of Intention. The City Council will consider all oral and written protests; and
2. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 18th day of April 2006 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

ATTEST:

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Floyd Petersen, Mayor

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Pamela Byrnes-O'Camb, City Clerk